

HUMAN RIGHTS AND BUDDHISM

Human rights have been defined as basic moral guarantees that people in all countries and cultures allegedly have simply because they are people. Calling these guarantees 'rights' suggests that they attach to particular individuals who can invoke them, that they are of high priority, and that compliance with them is mandatory rather than discretionary. Human rights are frequently held to be universal in the sense that all people have and should enjoy them, and to be independent in the sense that they exist and are available as standards of justification and criticism whether or not they are recognized and implemented by the legal system or officials of a country. Human rights aim to identify both the necessary negative and positive prerequisites for leading a minimally good life, such as rights against torture and rights to health care. This aspiration has been enshrined in various declarations and legal conventions issued during the past fifty years, initiated by the Universal Declaration of Human Rights (1948) and perpetuated by, most importantly, the European Convention on Human Rights (1954) and the International Covenant on Civil and Economic Rights (1966).

The Universal Declaration of Human Rights (UDHR) was adopted by the UN General Assembly on 10th December 1948 and was explicitly motivated to prevent the future occurrence of any atrocities the kind of which occurred under Hitler and his allies. The UDHR consists of a Preamble and 30 articles which separately identify such things as the right not to be tortured (article 5), a right to asylum (article 14), a right to own property (article 17), and a right to an adequate standard of living (article 25) as being fundamental human rights. The UDHR has been further supplemented by such documents as the European Convention for the Protection of Human Rights and Fundamental Freedoms (1953) and the International Covenant on Economic, Social and Cultural Rights (1966).

If one delves into all of the various documents that together form the codified body of human rights, one can identify and distinguish between five different categories of substantive human rights. These are as follows: rights to life; rights to freedom; rights to political participation; rights to the protection of the rule of law; rights to fundamental social, economic, and cultural goods. These rights span the so-called three generations of rights and involve a complex combination of both liberty and claim rights. Some rights, such as for example the right to life, consist of both liberty and claim rights in roughly equal measure. Thus, the adequate protection of the right to life requires the existence of liberty rights against others trespassing against one's person and the existence of claim rights to have access to basic prerequisites to sustaining one's life, such as an adequate diet and health-care. Other rights, such as social, economic, and cultural rights, for example, are weighted more heavily towards the existence of various claim rights, which requires the positive provision of the objects of such rights.

Human rights are said to be possessed equally, by everyone. A conventional corollary of this claim is that everyone has a duty to protect and promote the human rights of everyone else. However, in practice, the onus for securing human rights typically falls upon national governments and international, inter-governmental bodies. Philosophers such as Thomas Pogge (1995) argue that the moral burden for securing human rights should fall disproportionately upon such institutions precisely because they are best placed and most able to effectively perform the task. Given the relative scarcity of resources and the demands placed upon those resources, we are inclined to say that adequately securing individuals' human rights extends to the establishment of decent social and governmental practice so as to ensure that all individuals have the opportunity of leading a minimally good life. Philosophers such as Brian Orend (2002) endorse this aspiration when he writes that the object of human rights is to secure 'minimal levels of decent and respectful treatment.' The realization of human rights requires establishing the conditions for all human beings to lead minimally good lives and thus should not be confused as an attempt to create a morally perfect society. Human rights call for the creation of politically democratic societies in which all citizens have the means of leading a minimally good life.

Human rights have a long historical heritage. The principal philosophical foundation of human rights is a belief in the existence of a form of justice valid for all peoples, everywhere. In this form, the contemporary doctrine of human rights has come to occupy centre stage in geo-political affairs. The language of human rights is understood and utilized by many peoples in very diverse circumstances. Human rights have become indispensable to the contemporary understanding of how human beings should be treated, by one another and by national and international political bodies. Human rights are best thought of as potential moral guarantees for each human being to lead a minimally good life.

As a religion and philosophy dealing with the welfare of 'all beings' (*sabbe sattā*), Buddhism is certainly concerned with Human Rights- and with much more. Its concern for human rights finds expression through the value system it upholds and considers salutary for mankind. Though not expressed as in present-day parlance, the careful student of Buddhism would not fail to note that the concepts and concerns of the Universal Declaration of Human Rights as adopted by the General Assembly of the United Nations on 10 December 1948, are enshrined in the teachings of the Buddha, as well. The basic principles of the declaration are fully supported and reinforced by Buddhist Canonical and historical literature. And it has been rightly observed that "few religious teachers been as eloquent and explicit as the Buddha was in upholding values so akin to the modern concepts of Human Rights."¹ He expressed them in greater depth and in a richer tone.

Prior to this declaration (in relation to which the Buddhist position ought to be examined) there have been attempts at declaring human rights such as the 'Magna Carta' by the English in 1215 and the Declaration of the Rights of Man and Citizen by the French in 1789. However, it is only with the adoption of the Universal Declaration of Human Rights of the United Nations that for the first time in history peoples of the world had a document... declaring in simple and succinct terms the inherent civil, political, economic, social and cultural rights to which the whole humanity is entitled, and thus the Universal Declaration provides a yardstick by which men and women can judge for themselves the extent to which their rights and freedom are respected by their respective governments, organizations, groups or by other persons, and the degree to which they themselves are respecting the rights and freedoms of others.

It is now over fifty years since the United Nations Declaration on Human Rights was made; but human rights, as a concept, is still evolving, and students of the subject now note with concern the limitations inherent in this Declaration. For instance, this does not include any article on the protection of minorities and on the right of petition even at the national level. While recognizing the importance of this Declaration as a common standard of achievement for all peoples and all nations it has also been observed that this document tends to be juridical in its expression, individualist in emphasis and restricted in its perspective on community." This is only one among many criticisms of the Declaration, but this is not to underestimate, even for a moment, its great value.

The Buddhist view of human rights emerges from two basic assumptions- one philosophical and the other ethical. The philosophical assumption is that all human beings are born with complete freedom and responsibility. Not being the creations of a Creator, they are subject only to non-deterministic causal laws and their destinies are in their own hands. "One, indeed, is one's own master," says the *Dhammapada*.² Human beings are, therefore, free to attain the highest, materially, mentally, morally and spiritually. The ethical assumption is more relevant at the social level. It is the insight that man and all

¹Ananda W.P. Guruge, "Foreword," L.P.N. Perera, *Buddhism and Human Rights*, Colombo, 1991: viiif.

²*attā hi attano nātho* (Dh.160).

other living beings desire happiness: *sukhāmāni bhūtāni*.³ Thus, the Buddhist approach to human rights is more humanistic than legalistic.

With these two basic assumptions Buddhism looks upon man as quite competent in the task of ensuring for himself and his fellow beings success and happiness in this world and in securing for himself his own ultimate emancipation from the turmoils of existence. Worldly success itself is expected to be righteously achieved (*dhammaladdha*),⁴ and the Buddha's teachings are partly directed towards this objective. It is here that human rights need to be seen in the social context. Worldly or mundane success in particular demands the reciprocal recognition of, respect for, and the observance of the rights of man.

While philosophical and ethical considerations of Buddhism gave rise to these humanistic concerns, they received a further impetus through kindred values generated by Buddhism by its reaction to the social problems of the day as found to exist in its very cradle. The entire religious and social climate in North India during and after the rise of Buddhism and other allied religious systems had generally been one of reaction against limitations imposed on human rights by the then prevalent Brāhmanical value system. The activities of the Buddha and his early disciples in this context, had been directed towards the acceptance and practice of principles of human rights in a very practical way, not only as a desirable effort at social re-structuring, but also in recognition of its ultimate spiritual value.

Furthermore, Buddhist social philosophy demands that conditions in society should be conducive the cultivation of the Buddhist social ethic (as required by the Buddhist moral life)- a social ethic to be achieved mainly through the economic and political needs of any given people. And it has to be borne in mind that in this exercise, the identification, recognition, and effective implementation of human rights concepts have a major role to play, for, in the ultimate analysis, it is from the needs of a people that rights would emerge.

In this context, the Noble Eightfold Path, fundamental Buddhist concepts such as the *Pañcasīla* (the Five Precepts) and that admirable virtue denoted by the Buddhist concept of Benevolence as broadly implied in loving kindness (*mettā*), non-injury (*ahiṃsā*), as well as... the more apparent social virtues such as liberality (*dāna*) which is basis of altruism for the Buddhist, gratitude (*kataññutā*), reverence (*gārava*), courtesy (*peyyavajja*), equanimity (*samānattatā*), humility, tolerance (*khanti-soracca*), and veracity or sincerity (*sacca*)- all constituting the fundamental moral basis of man's relationship to his fellow beings- would serve to gear one's actions towards the acceptance of human rights. In fact, the Buddhist *Pañcasīla* could be seen as the earliest pronouncement on human rights in the history of mankind in that the *Pañcasīla* embodies a recognition of (a) the right to life, and (b) right to property- two broad divisions within which all human rights could be reckoned. It is significant that the human rights listed in the Universal Declaration of the United Nations, when carefully examined, would fall into one or the other, or into both categories. In fact, in the process of securing the weal of mankind, as may be noted from the *Cakkavattisihanāda Sutta*⁵ the ideal ruler (of mythical antiquity)- the *Cakkavatti* monarch- is said to recommend the practice of the *Pañcasīla*, which means the observance of human rights. Thus, ideal Buddhist statement needs this recognition. This could be gauged from the fact that the *Cakkavatti* monarch is also said to provide ward and protection not only to man but also "beasts and birds."⁶ Rights are not only for humans but for other living creatures too.

³Dh.131, 132.

⁴Sn.87.

⁵D.III.62f.

⁶*migapakkhisu* (D.III.61).

The recognition and observance of human rights in a Buddhist context have to be effected mainly through the fulfilment of one's obligation and duties towards the society. Recognition and the observance of rights through the discharge of duties and obligations bring social and moral ethics of Buddhism to the forefront, and therefore discourses of the Buddha like the *Siṅgālovāda Sutta*⁷ which deal with bilateral social relationships in a Buddhist context are of prime importance in this connection.

“Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”

This Article is basic to all human rights and is in complete accord with Buddhist thought. Buddhism upholds that every human being is born with complete freedom and responsibility. Human beings are not the handiwork of a Creator, and therefore they are subject only to non-deterministic causal laws operating in the Universe. Their destiny lies in their own hands. This freedom of human beings as commencing with their births itself, and the recognition of their equality in dignity and rights by Buddhism are reflected clearly in the Buddha's emphasis on self-reliance, which he did by extolling what he called *attakāra* (personal endeavour), *purisakāra* (human effort), *purisathāma* (human strength), *purisaviriya* (human energy), *purisaparakkama* (human valour), and *purisadhorayha* (human responsibility). These human attributes are referred to, for instance, in the *Sampasādaniya Suttanta* of the *Dōgha Nikāya*.⁸ Furthermore, this concept is reinforced by his maintaining that Buddhahood itself is within the reach of all human beings. The Buddha saw the perfectibility of human nature.

Reason and Conscience are recognized in Buddhism although the latter as understood today appears mostly as a non-Buddhist concept. ‘Reason’⁹ and ‘conscience’¹⁰ more or less go together, constituting the awareness of right and wrong. Reason and conscience indicate the ability to judge the moral worth of one's own motives and actions, and opt for what is right and desirable both for oneself as well as for others. Together they partly constitute the ‘faculty of mindfulness’ (*satindriya*) in human beings. Reason and conscience as understood in Buddhism could, to some extent, be seen from the *Kālāma Sutta*¹¹ which indicates the criteria for distinguishing between the ‘good’ (*kusala*) and the ‘bad’ (*akusala*) in the moral sense.

As for mutual relations between human beings, Buddhism goes much beyond the ‘spirit of brotherhood’ (a key concept in the Article) to the realm of *Mettā* or ‘Universal friendliness’ or ‘Loving kindness’. This, embracing, as it does, every form of sentient existence, is certainly broader than any conception of a brotherhood. The term ‘brotherhood,’ furthermore, implies the recognition of a ‘fatherhood’ and therefore an exclusiveness of a sector of humanity (which, certainly, is not intended in this Article) are ideas unacceptable to Buddhism. Buddhist thought, both in the realm of religion as well as philosophy, begins with an insight into a fundamental consideration that all life has a desire to safeguard itself and make itself comfortable and happy. In the Buddhist religious life, the philosophy of *mettā* and *avihiṃsā*, universal love and non-violence, derives its validity from this position. Therefore, at the social level too, it is the responsibility of every member of society from the head of the state downwards to

⁷D.III.180ff.

⁸III.113.

⁹Cf. *dharmavitakka* (A.I.254) or *dharmādhīpateyya* (A.I.147).

¹⁰Cf. *attādhīpateyya* (A.I.147).

¹¹A.I.188ff.

contribute to the unimpaired operation of this principle.

Regarding equality, however, it has to be realized that equality has been and is being circumscribed by limitations in actual applications. The claim that all human beings are equal is more prescriptive than descriptive. It really means that there are various respects in which no difference ought to be made in the treatment of, or consideration given to, all persons, whatever differences referred to in the Buddhist texts as *puggalavemattatā*¹² there may be, in their qualities and in their circumstances in life.

While recognizing such limitations, Buddhism posits a basic equality between all human beings in respect of their essential nature, and therefore sees all persons as equal in dignity and rights. This basic equality in respect of their essential nature stems, according to Buddhist thought, from a number of factors of which the most significant are the biological and anthropological. This sense of equality is further reinforced by the Buddhist view that all human beings, in the final analysis, face the same basic phenomena of birth, decay and dissolution, spelt out as the first Noble Truth, and that at the same time they are in a position to overcome these problems by attaining the very highest moral and spiritual level through a development of the human potential.

Article 2: Everyone is entitled to all the rights and freedoms without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction is to be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

In the Buddhist egalitarianism, equality implied is basic, fundamental and natural. Such a conception of equality requires that rights and freedoms should remain untrammelled by considerations such as race, colour, gender etc. Placing man and woman on the same pedestal, Buddhism does not recognize rights and freedoms for the male which cannot be extended to the female. Indeed, as borne out by the *Therīgāthā* women actually enjoyed a high degree of intellectual freedom under Buddhism, being able thereby to gain spiritual advancement on an equal basis. Looking at the matter from the point of view of language as a medium of instruction, he enjoined that one should learn his teachings ‘in one’s own language’ (*sakāya niruttiyā*),¹³ and prohibited his disciples from presenting his teachings through any privileged linguistic medium of the day. In terms of religion, Buddhism extends to followers of all other religions the rights and freedoms that Buddhists would legitimately claim for themselves. Consequently, the exercise by a person of his or her rights and freedoms is subject to the recognition of the rights and freedoms of others.

Article 6: Everyone has the right to recognition everywhere as a person before the law.

This article primarily constitutes the recognition of the worth of the individual as a human being, and as such, affirms the individual’s right to be recognized as a person before the law. Buddhism looks upon the law “as an instrument for achieving certain ends, which are held to be socially desirable. What these ends are, or should be, is a matter for ethics.” (1) ‘Rule of Righteousness’ embedded in the imagery of the *Dhammacakka* or the ‘Wheel of Righteousness,’ since sovereign authority in the Buddhist context is represented by the ‘Wheel’, which is symbolic of the ongoing and expanding process of law and justice in the world, and (2) happiness and well-being of mankind (*bahujanahita*, *bahujanasukha*) are unique to Buddhism.

Buddhist teachings constantly harp on the value and dignity of the human being. Among two planes of existence, namely, the ‘human’ (*mānusa*) and the ‘divine’ (*dibba*), in either of which one may

¹²D.II.152; S.II.21; V.200; Sn.102.

¹³Vin.II.139.

work towards one's emancipation, a premium is placed by Buddhist thought on existence as a human being (*manussattam*) which is said to be achieved with difficulty (*dullabham*). The worth of the individual taken in conjunction with the conception of the 'Rule of Righteousness' and the idea of the 'common good of mankind' demands that the problems of the weak, the down-trodden, the humble, the needy and the defenseless in society also require the care and attention of the law as extended to any other segment of society.

A Buddhist Response to the Nature of Human Rights

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It is incorrect to assume that the concept of human rights is readily identifiable in all societies of the world. The concept may perhaps be clear and distinct in legal quarters, but in actual practice it suffers greatly from lack of clarity and gray areas due to impositions by different cultures. This is especially true in Asia, where the two great civilizations of India and China have spawned such outstanding systems as Hinduism, Buddhism, Jainism, Yoga, Confucianism, Taoism and Chinese Buddhism. These systems, together with other indigenous folk beliefs, attest to the cultural diversity at play that characterizes Asia proper. In focusing on the concept of human rights, however, we shall concentrate on Buddhism to bring out the common grounds of discourse.

Alone among the great systems of Asia, Buddhism has successfully crossed geographical and ideological borders and spread in time through out the whole length and breadth of known Asia. Its doctrines are so universal and profound that they captured the imagination of ail the peoples they touched and thereby established a subtle bond with all. What then is this bond? It must be something common to all systems of thought which opens up and allows spiritual discourse among them.

In examining the metaphysical ground of all systems, one finds that there is a basic feeling for a larger reality in one's own experience, a kind of reaching out for a greater cosmic dimension of being, as it were. It is a deep sense for the total nature of things. All this may seem so simple and hardly merits elaborating, but it is a genuine feeling common among Asians in their quest for ultimate knowledge based on the proper relationship of one's self in the world. It is an affirmation of a reality that includes but at once goes beyond the confines of sense faculties.

A good illustration of this metaphysical grounding is seen in the Brahmanic world of Hinduism. In it, the occluded nature of the self (atman) constantly works to cleanse itself of defilements by yogic discipline in the hope of ultimately identifying with the larger reality which is Brahman. In the process, the grounding in the larger reality is always kept intact, regardless of whether the self is impure or not. In other words, in the quest for the purity of things a larger framework of experience is involved from the beginning such that the ordinary self (atman) transforms into the larger Self (Atman) and finally merges into the ultimate ontological Brahman.

A similar metaphysical grounding is found in Chinese thought. Confucianism, for example, with its great doctrine of humanity (jen), involves the ever-widening and ever-deepening human relationship that issues forth in the famous statement, "All men are brothers." In this sense, humanity is not a mere abstract

concept but one that extends concretely throughout the whole of sentient existence. Confucius once said that when he searched for jen, it is always close at hand.¹⁴ It means that humanity is not something external to a person but that it is constitutive of the person's experience, regardless of whether there is consciousness of it or not. It means moreover that in the relational nature of society, individual existence is always more than that which one assumes it to be. In this vein, all experiences must fit into the larger cosmological scheme normally spoken of in terms of heaven, earth and mankind. This triadic relationship is ever-present and ever-in-force, despite one's ignorance, negligence or outright intention to deny it. The concept that permeates and enlivens the triadic relationship is the Tao. The Tao is a seemingly catchall term, perhaps best translated as the natural way of life and the world. In its naturalness, it manifests all of existence; indeed, it is here, there and everywhere since it remains aloof from human contrivance and manipulation. In a paradoxical sense, it depicts action based on non action (wu-wei), the deepest state of being achievable. The following story illustrates this point.

A cook named Ting is alleged to have used the same carving knife for some 19 years without sharpening it at all. When asked how that is possible, he simply replied:

What I care about is the way (Tao), which goes beyond skill. When I first began cutting up oxen, all I could see was the ox itself. After three years I no longer saw the whole ox. And now--now I go at it by spirit and don't look with my eyes. Perception and understanding have come to a stop and spirit moves where it wants. I go along with the natural makeup, strike in the big hollows, guide the knife through the big openings, and follow things as they are. so I never touch the smallest ligament or tendon, much less a main joint ... I've had this knife of mine for nineteen years and I've cut up thousands of oxen with it, and yet the blade is as good as though it had just come from the grindstone.¹⁵ Such then is the master craftsman at work, a master in harmonious triadic relationship based on the capture of the spirit of Tao where the function is not limited to a person and his or her use of a tool. And it is clear that such a spirit of Tao in craftsmanship is germane to all disciplined experiences we are capable of achieving in our daily activities.

Buddhism, too, has always directed our attention to the larger reality of existence. The original enlightenment of the historical Buddha told of a pure unencumbered experience which opened up all experiential doors in such a way that they touched everything sentient as well as insentient. A Zen story graphically illustrates this point.

Once a master and a disciple were walking through a dense forest. Suddenly, they heard the clean chopping strokes of the woodcutter's axe. The disciple was elated and remarked, "What beautiful sounds in the quiet of the forest!" To which the master immediately responded, "you have got it all upside down. The sounds only make obvious the deep silence of the forest!" The response by the Zen master sets in bold relief the Buddhist perception of reality. Although existential reality refers to the perception of the world as a singular unified whole, we ordinarily perceive it in fragmented ways because of our heavy reliance on the perceptual apparatus and its consequent understanding. That is to say, we perceive by a divisive and selective method which however glosses over much of reality and indeed misses its holistic nature. Certainly, the hewing sounds of the woodcutter's axe are clearly audible and delightful to the ears, but they are so at the expense of the basic silence of the forest (i.e., total reality). Or, the forest in its silence constitutes the necessary background, indeed the basic source, from which all sounds (and all activities for that matter) originate. Put another way, sounds arising from the silence of the forest should in no way deprive nor intrude upon the very source of their own being. Only human beings make such intrusions by

¹⁴Lu Yu (The Analects of Confucius): VII, 29.

¹⁵The Complete Works of Chuang Tzu, translated by Burton Watson (New York:Columbia University Press, 1960), pp. 50-1.

their crude discriminate habits of perception and, consequently, suffer a truncated form of existence, unknowingly for the most part.

Now that we have seen Asian lives in general grounded in a holistic cosmological framework, we would have to raise the following question: How does this framework appear in the presence of human rights? Or, contrarily, how does human rights function within this framework?

Admittedly, the concept of human rights is relatively new to Asians. From the very beginning, it did not sit well with their basic cosmological outlook. Indeed, the existence of such an outlook has prevented in profound ways a ready acceptance of foreign elements and has created tension and struggle between tradition and modernity. Yet, the key concept in the tension is that of human relationship. This is especially true in Buddhism, where the emphasis is not so much on the performative acts and individual rights as it is on the manner of manifestation of human nature itself. The Buddhist always takes human nature as the basic context in which all ancillary concepts, such as human rights, are understood and take on any value. Moreover, the concept itself is in harmony with the extended experiential nature of things. And thus, where the Westerner is much more at home in treating legal matters detached from human nature as such and quite confident in forging ahead to establish human rights with a distinct emphasis on certain “rights,” the Buddhist is much more reserved but open and seeks to understand the implications of human behavior, based on the fundamental nature of human beings, before turning his or her attention to the so called “rights” of individuals.

An apparent sharp rift seems to exist between the Western and Buddhist views, but this is not really so. Actually, it is a matter of perspectives and calls for a more comprehensive understanding of what takes place in ordinary human relationships. For the basic premise is still one that is focused on human beings intimately living together in the selfsame world. A difference in perspectives does not mean non communication or a simple rejection of another's view, as there is still much more substance in the nature of conciliation, accommodation and absorption than what is initially thought of. Here we propose two contrasting but interlocking and complementary terms, namely, “hard relationship” and “soft relationship.”

The Western view on human rights is generally based on a hard relationship. Persons are treated as separate and independent entities or even bodies, each having its own assumed identity or self-identity. It is a sheer “elemental” way of perceiving things due mainly to the strong influence by science and its methodology. As scientific methodology thrives on the dissective and analytic incursion into reality as such, this in turn has resulted in our perceiving and understanding things in terms of disparate realities. Although it makes way for easy understanding, the question still remains: Do we really understand what these realities are in their own respective fullness of existence? Apparently not. And to make matters worse, the methodology unfortunately has been uncritically extended over to the human realm, into human nature and human relations. Witness its ready acceptance by the various descriptive and behavioral sciences, such as sociology, psychology and anthropology. On this matter, Cartesian dualism of mind and body has undoubtedly influenced our ordinary ways of thinking in such a manner that in our casual perception of things we habitually subscribe to the clear-cut subject-object dichotomy. This dualistic perspective has naturally filtered down into human relationships and has eventually crystallized into what we refer to as the nature of a hard relationship. Thus, a hard relationship is a mechanistic treatment of human beings where the emphasis is on beings as such regardless of their inner nature and function in the fullest sense; it is an atomistic analysis of beings where the premium is placed on what is relatable and manipulable without regard for their true potentials for becoming. In a way it is externalization in the extreme, since the emphasis is heavily weighted on seizing the external character of beings themselves. Very little attention, if any, is given to the total ambience, inclusive of inner contents and values, in which the beings are at full play. In this regard, it can be said that postmodern thought is now attempting to correct this seemingly lopsided dichotomous view created by our inattention to the total experiential nature of things. We believe this is a great step in the right direction. Meanwhile, we trudge along with a heavy

burden on our backs, though unaware of it for the most part, by associating with people on the basis of hard relationships.

To amplify on the nature of hard relationships, let us turn to a few modern examples. First, Thomas Hobbes, in his great work, *Leviathan*,¹⁶ showed remarkable grasp of human psychology when he asserted that people are constantly at war with each other. Left in this “state of nature,” people will never be able to live in peace and security. The only way out of this conundrum is for all to establish a reciprocal relationship or mutual trust that would work, i.e., to strike up a covenant by selfish beings that guarantees mutual benefits and gains, one in which each relinquishes certain rights in order to gain or realize a personal as well as an overall state of peace and security. This was undoubtedly a brilliant scheme. But the scheme is weak in that it treats human beings by and large mechanically, albeit psychologically too, as entities in a give-and-take affair, and thus perpetuates the condition of hard relationships.

Another example can be offered by way of the British utilitarian movement which later was consummated in American pragmatism. Jeremy Bentham's hedonic calculus¹⁷ (e.g., intensity of pleasure or pain, duration of pleasure or pain, certain or uncertainty of pleasure or pain, purity or impurity of pleasure or pain, etc.) is a classic example of quantification of human experience. Although this is a most expedient or utilitarian way to treat and legislate behavior, we must remind ourselves that we are by no means mere quantifiable entities. John Stuart Mill introduced the element of quality in order to curb and tone down the excesses of the quantification process,¹⁸ but, in the final analysis, human nature and relationships are still set in hard relations. American pragmatism fares no better since actions by and large take place in a pluralistic world of realities and are framed within the scientific mode and therefore it is unable to relinquish the nature of hard relationships.

In contemporary times, the great work of John Rawls, *A Theory of Justice*,¹⁹ has given us yet another twist in pragmatic and social contract theories. His basic concept of justice as fairness is an example of the reciprocal principle in action, i.e., in terms of realizing mutual advantage and benefit for the strongest to the weakest or the most favored to the least favored in a society. Each person exercises basic liberty with offices for its implementation always open and excess available. It is moreover a highly intellectual or rational theory. It thus works extremely well on the theoretical level but, in actual situations, it is not as practical and applicable as it seems since it still retains hard relationships on mutual bases. Such being the case, feelings and consciousness relative to injustice and inequality are not so readily spotted and corrected. That is to say, lacunae exist as a result of hard relationships and they keep on appearing until they are detected and finally remedied, but then the corrective process is painfully slow. Thus the theory's

¹⁶Thomas Hobbes, *Leviathan* (New York: Hafner, 1926).

¹⁷Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* (New York: Hafner, 1948).

¹⁸John Stuart Mill observed, “It is better to be a human being dissatisfied than a pig satisfied; better to be a Socrates dissatisfied than a fool satisfied.” *Utilitarianism*, cited in Louis P. Pojman, *Philosophy: The Quest for Truth* (Belmont CA: Wadsworth, 1989), p. 357.

¹⁹John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971). Rawls also has a chapter on civil disobedience but it too is treated under the same concept of justice as fairness and suffers accordingly from the elements of hard relationships.

strongest point is its perpetually self-corrective nature which is so vital to the democratic process. Despite its shortcomings, however, Rawls' theory of justice is a singular contribution to contemporary legal and ethical thought.

By contrast, the Buddhist view of human rights is based on the assumption that human beings are primarily oriented in soft relationships; this relationship governs the understanding of the nature of human rights. Problems arise, on the other hand, when a hard relationship becomes the basis for treating human nature because it cannot delve deeply into that nature itself and functions purely on the peripheral aspects of things. It is another way of saying that a hard relationship causes rigid and stifling empirical conditions to arise and to which we become invariably attached.

A soft relationship has many facets. It is the Buddhist way to disclose a new dimension to human nature and behavior. It actually amounts to a novel perception or vision of reality. Though contrasted with a hard relationship, it is not in contention with it. If anything, it has an inclusive nature that "softens," if you will, all contacts and allows for the blending of any element that comes along, even incorporating the entities of hard relationships. This is not to say, however, that soft and hard relationships are equal or ultimately identical. For although the former could easily accommodate and absorb the latter, the reverse is not the case. Still, it must be noted that both belong to the same realm of experiential reality and in consequence ought to be conversive with each other. The non-conversive aspect arises on the part of the "hard" side and is attributable to the locked-in character of empirical elements which are considered to be hard stubborn facts worth perpetuating. But at some point, there must be a break in the lock, as it were, and this is made possible by knowledge of and intimacy with the "soft" side of human endeavors. For the "soft" side has a passive nature characterized by openness, extensiveness, depth, flexibility, absorptiveness, freshness and creativity simply because it remains unencumbered by "hardened" empirical conditions.

What has been discussed so far can be seen in modern Thailand where tradition and change are in dynamic tension. Due to the onslaught of elements of modernity, Buddhism is being questioned and challenged. Buddhist Thailand, however, has taken up the challenge in the person of a leading monk named Buddhadasa who has led the country to keep a steady course on traditional values.²⁰

The heart of Buddhadasa's teaching is that the Dhamma (Sanskrit, Dharma) or the truth of Buddhism is a universal truth. Dhamma is equated by Buddhadasa to the true nature of things. It is everything and everywhere. The most appropriate term to denote the nature of Dhamma is sunnata (Sanskrit, sunyata) or the void. The ordinary man considers the void to mean nothing when, in reality, it means everything--everything, that is, without reference to the self.

We will return to the discussion of the nature of the void or sunnata later, but suffice it to say here that what constitutes the heart of Buddhist truth of existence is based on soft relationships where all forms and symbols are accommodated and allows for their universal usage.

²⁰Donald K. Swearer, "Thai Buddhism: Two Responses to Modernity," in Bardwell L. Smith, ed., *Contributions to Asian Studies, Volume 4: Tradition and Change In Theravada Buddhism* (Leiden: E.J. Brill, 1973), p. 80. "Without reference to the self" means to uphold the Buddhist doctrine of non self (Sanskrit, anatman) which underlies all momentary existence and avoids any dependence on a dichotomous self-oriented subject-object relationship. For an updated and comprehensive view of Buddhadasa's reformist's philosophy, see Donald K. Swearer, ed., *Me and Mine: Selected Essays on Bhikkhu Buddhadasa* (Albany: State University of New York Press, 1989).

Robert N. Bellah has defined religion as a set of normative symbols institutionalized in a society or internalized in a personality.²¹ It is a rather good definition but does not go far enough when it comes to describing Buddhism, or Asian religions in general for that matter. To speak of symbols being institutionalized or internalized without the proper existential or ontological context seems to be a bit artificial and has strains of meanings oriented toward hard relationships. Bellah, being a social scientist, probably could not go beyond the strains of a hard relationship, for, otherwise, he would have ended in a non-descriptive realm. The only way out is to give more substance to the nature of religious doctrines themselves, as is the case in Buddhism. The Buddhist Dharma is one such doctrine which, if symbolized, must take on a wider and deeper meaning that strikes at the very heart of existence of the individual. In this respect, Donald Swearer is on the right track when he says:

The adaptation of symbols of Theravāda Buddhism presupposes an underlying ontological structure. The symbol system of Buddhism then, is not to be seen only in relationship to its wider empirical context, but also in relationship to its ontological structure. This structure is denoted by such terms as Dhamma or absolute Truth, emptiness and non-attachment. These terms are denotative of what Dhiravamsa calls “dynamic being.” They are symbolic, but in a universalistic rather than a particularistic sense.²²

Swearer's reference to an underlying ontological structure is in complete harmony with our use of the term soft relationship. And only when this ontological structure or soft relationship is brought into the dynamic tension between tradition and modernity can we give full accounting to the nature of human experience and the attendant creativity and change within a society.

Let us return to a fuller treatment of soft relationships. In human experience, they manifest themselves in terms of the intangible human traits that we live by, such as patience, humility, tolerance, deference, non-action, humaneness, concern, pity, sympathy, altruism, sincerity, honesty, faith, responsibility, trust, respectfulness, reverence, love and compassion. Though potentially and pervasively present in any human relationship, they remain for the most part as silent but vibrant components in all experiences. Without them, human intercourse would be sapped of the human element and reduced to perfunctory activities. Indeed, this fact seems to constitute much of the order of the day where our passions are mainly directed to physical and materialistic matters.

The actualization and sustenance of these intangible human traits are basic to the Buddhist quest for an understanding of human nature and, by extension, the so-called rights of human beings. In order to derive a closer look at the nature of soft relationships, we shall focus on three characteristics, namely, mutuality, holism, and emptiness or void.

MUTUALITY

Our understanding of mutuality is generally limited to its abstract or theoretical nature. For example, it is defined in terms of a two-way action between two parts and where the action is invariably described with reference to elements of hard relationships. Except secondarily or deviously, nothing positive is mentioned about the substance of mutuality, such as the feelings of humility, trust and tolerance that transpire between the parties concerned. Although these feelings are present, unfortunately, they hardly ever surface in the relationship and almost always are overwhelmed by the physical aspect of things.

²¹Robert N. Bellah, “Epilogue” in Bellah (ed), *Religion and Progress in Modern Asia*, New York: Free Press, 1965: 173.

²²Swearer, “Thai Buddhism,” p. 92.

What is to be done? One must simply break away from the merely conceptual or theoretical understanding and fully engage oneself in the discipline that will bring the feelings of both parties to become vital components in the relationship. That is, both parties must equally sense the presence and value of these feelings and thus give substance and teeth to their actions.

Pursuing the notion of mutuality further, the Buddhist understands human experience as a totally open phenomenon, that persons should always be wide open in the living process. The phrase, “an open ontology,” is used to describe the unclouded state of existence. An illustration of this is the newborn child. The child is completely an open organism at birth. The senses are wide open and will absorb practically anything without prejudice. At this stage, also, the child will begin to imitate because its absorptive power is at the highest level. This open textured nature should continue on and on. In other words, if we are free and open, there should be no persistence in attaching ourselves to hard elements within the underlying context of a dynamic world of experience. The unfortunate thing, however, is that the open texture of our existence begins to blemish and fade away in time, being obstructed and overwhelmed by self-imposed fragmentation, narrowness and restriction, which gradually develop into a closed nature of existence. In this way, the hard relationship rules. But the nature of an open ontology leads us on to the next characteristic.

HOLISM

Holism of course refers to the whole, the total nature of individual existence and thus describes the unrestrictive nature of one's experience. Yet, the dualistic relationship we maintain by our crude habits of perception remains a stumbling block. This stunted form of perception is not conducive to holistic understanding and instead fosters nothing but fractured types of ontological knowledge taking. Unconscious for the most part, an individual narrows his or her vision by indulging in dualism of all kinds, both mental and physical, and in so doing isolates the objects of perception from the total process to which they belong. In consequence, the singular unified reality of each perceptual moment is fragmented and, what is more, fragmentation once settled breeds further fragmentation.

The Buddhist will appeal to the fact that one's experience must always be open to the total ambience of any momentary situation. But here we must be exposed to a unique, if not paradoxical, insight of the Buddhist. It is that the nature of totality is not a clearly defined phenomenon. In a cryptic sense, however, it means that the totality of experience has no borders to speak of. It is an open border totality, which is the very nature of the earlier mentioned “open ontology.” It is a non-circumscribable totality, like a circle sensed which does not have a rounded line, a seamless circle, if you will. A strange phenomenon, indeed, but that is how the Buddhist sees the nature of individual existence as such. For the mystery of existence that haunts us is really the nature of one's own fullest momentary existence. Nothing else compares in profundity to this nature, so the Buddhist believes.

Now, the open framework in which experience takes place reveals that there is depth and substance in experience. But so long as one is caught up with the peripheral elements, so-called, of hard relationships one will be ensnared by them and will generate limitations on one's understanding accordingly. On the other hand, if openness is acknowledged as a fact of existence, then the way out of one's limitations will present itself. All sufferings (*dukkha*), from the Buddhist standpoint, are cases of limited ontological vision (*avidya*, ignorance) hindered by the attachment to all sorts of elements that obsess a person.

Holism is conversant with openness since an open experience means that all elements are fully and extensively involved. In many respects, holistic existence exhibits the fact that mutuality thrives only in

unhindered openness. But there is still another vital characteristic to round out or complete momentary experience. For this we turn to the last characteristic.

EMPTINESS

Emptiness (śūnyata)²³ strictly speaking, the Sanskrit term, depicting zero or nothing, had been around prior to Buddhism, but it took the historical Buddha's supreme enlightenment (nirvana) to reveal an incomparable qualitative nature inherent to experience. Thus emptiness is not sheer voidness or nothingness in the nihilistic sense.

We ordinarily find it difficult to comprehend emptiness, much less to live a life grounded in it. Why? Again, we return to the nature of our crude habits of perception, which is laden with unwarranted forms. That is, our whole perceptual process is caught up in attachment to certain forms or elements which foster and turn into so-called empirical and cognitive biases. All of this is taking place in such minute and unknowing ways that we hardly, if ever, take notice of it until a crisis situation arises, such as the presence of certain obviously damaging prejudice or discrimination. Then and only then do we seriously wonder and search for the forms or elements that initially gave rise to those prejudicial or discriminatory forces.

Emptiness has two aspects. The first aspect alerts our perceptions to be always open and fluid, and to desist from attaching to any form or element. In this respect, emptiness technically functions as a force of “epistemic nullity,”²⁴ in the sense that it nullifies any reference to a form or element as preexisting perception or even post-existing for that matter. Second and more importantly, emptiness points at a positive content of our experience. It underscores the possibility of total experience in any given moment because there is now nothing attached to or persisted in. This latter point brings us right back to the other characteristics of holism and mutuality. Now, we must note that emptiness is that dimension of experience which makes it possible for the function of mutuality and holism in each experience, since there is absolutely nothing that binds, hinders or wants in our experience. Everything is as it is (tathata), under the aegis of emptiness; emptiness enables one to spread out one's experience at will in all directions, so to speak, in terms of “vertical” and “horizontal” dimensions of being. As it is the key principle of enlightened existence, it makes everything both possible and impossible. Possible in the sense that all experiences function within the total empty nature, just as all writings are possible on a clean slate or, back to the zen story, where the sounds are possible in the silence (emptiness) of the forest. At the same time, impossible in the sense that all attachments to forms and elements are categorically denied in the ultimate fullness of experience. In this way, emptiness completes our experience of reality and, at the same time, provides the grounds for the function of all human traits to become manifest in soft relationships.

It can now be seen that all three characteristics involve each other in the selfsame momentary existence. Granted this, it should not be too difficult to accept the fact that the leading moral concept in Buddhism is compassion (*karuṇā*). Compassion literally means “passion for all” in an ontologically extensive sense.

²³Etymologically sunyata (In Pali, sunnata) means the state of being swollen, as in pregnancy, or the state of fullness of being. Thus, from the outset, the term depicted the pure, open and full textured nature of experiential reality.

²⁴Kenneth Inada, “Nāgārjuna and Beyond,” *Journal of Buddhist Philosophy*, 2, 1984: 65-76, for development of this concept.

It covers the realm of all sentient beings, inclusive of non-sentients, for the doors of perception to total reality are always open. From the Buddhist viewpoint, then, all human beings are open entities with open feelings expressive of the highest form of humanity. This is well expressed in the famous concept of bodhisattva (enlightened being) in Mahayana Buddhism who has deepest concern for all beings and sympathetically delays his entrance to nirvana as long as there is suffering (ignorant existence) among sentient creatures. It depicts the coterminous nature of all creatures and may be taken as a philosophic myth in that it underscores the ideality of existence which promotes the greatest unified form of humankind based on compassion. This ideal form of existence, needless to say, is the aim and goal of all Buddhists.

As human beings we need to keep the channels of existential dialogue open at all times. When an act of violence is in progress, for example, we need to constantly nourish the silent and passive nature of nonviolence inherent in all human relations. Though nonviolence cannot counter violence on the latter's terms, still, its nourished presence serves as a reminder of the brighter side of existence and may even open the violator's mind to common or normal human traits such as tolerance, kindness and non-injury (ahimsā). Paradoxically and most unfortunately, acts of violence only emphasize the fact that peace and tranquillity are the normal course of human existence.

It can now be seen that the Buddhist view on human rights is dedicated to the understanding of persons in a parameter-free ambience, so to speak, where feelings that are extremely soft and tender, but nevertheless present and translated into human traits or virtues that we uphold, make up the very fiber of human relations. These relations, though their contents are largely intangible, precede any legal rights or justification accorded to human beings. In brief, human rights for the Buddhist are not only matters for legal deliberation and understanding, but they must be complemented by and based on something deeper and written in the very feelings of all sentients. The unique coexistent nature of rights and feelings constitutes the saving truth of humanistic existence.

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